

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14203, of John L. Courembis and Inner-City Settlements, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to establish a parking lot or, in the alternative, under Sub-section 7205.3 to permit accessory parking to serve an office structure located at 515 - 22nd Street, N.W., said lots being located at 2138-40 F Street, N.W., in an R-5-D District, (Square 81, part of Lots 99 and 811).

HEARING DATE: October 24, 1984  
DECISION DATE: November 7, 1984

FINDINGS OF FACT:

1. As a preliminary matter to the hearing of the subject application, reference was made to a memorandum from the D.C. Department of Public Works (DPW) in which the DPW reported that the subject site had access problems which could not be resolved within the property boundaries. The DPW recommended that the hearing on the subject application be continued until such time that an adjacent development, BZA Application No. 14210, located to the immediate south of the subject site, was heard by the Board. It was the opinion of the DPW that a joint review and hearing on both the applications would address the access concerns of both projects.

2. The applicant objected to the DPW request. The applicant's office structure at 515 22nd Street is directly north of a ten foot public alley. The office structure is an eight story building which runs the entire width of the lot. Ingress and egress from 22nd Street to the west is available only through the public alley. The alley has been used for this purpose for some fifty years. The applicant in no manner has to cross the property to the south to get to the rear of its building. The DPW suggested that the ten foot alley be widened to twenty feet. The applicant has no leeway since its structure extends to the property line. The applicant has no control over the property to the south. It would be an imposition to request the property owner to the south to widen the alley ten feet to accommodate the applicant.

3. The Board decided that both applications were separate. The properties are not owned by the same applicant, and the applications do not request similar relief.

Each application must be addressed on its own merits. Accordingly, the Board determined that the subject application go forward as scheduled.

4. The subject site is located on the south side of F Street between 21st and 22nd Streets, at the rear of premises 2138-40 F Street, N.W. It is in an R-5-D District.

5. The front portion of lot 811 is used as a grocery store and the front portion of lot 99 is used as a small three-story apartment house.

6. The owners of the subject lots have contracted to sell the lots to 515 22nd Street Limited Partnership, which is the real party in interest. The Partnership, hereinafter referred to as the applicant, proposes to utilize the rear portion of the two lots as a parking lot serving the office building located at 515 22nd Street, N.W.

7. The office building was previously a State Department annex building. It contains approximately 100,000 square feet of floor area and provides approximately ten parking spaces. An office building of this size, if permitted in an R-5-D District under the existing regulations, would normally be required to provide forty-one parking spaces. The office building has existing rights to retain only ten parking spaces previously provided. The subject application will permit a reconfigured layout containing twenty-two additional spaces.

8. Under the provisions of Paragraph 3104.44 of the Zoning Regulations, the Board has the authority to establish a parking lot provided:

- A. All provisions of Article 74 are complied with;
- B. No commercial advertising signs shall be permitted outside any building located thereon, except one advertising the rates as required by the Police Regulations of the District of Columbia;
- C. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use; the present character and future development of the neighborhood will not be affected adversely; and the parking lot is reasonably necessary and convenient to other uses in the vicinity; and,
- D. Before taking final action on an application for such use, the Board shall submit the application to the District of Columbia Department of Public Works for review and report.

9. The parking facility has been designed to comply with all provisions of Article 74 of the Zoning Regulations. An all-weather impervious surface will be used on all areas devoted to driveways, access lanes and parking areas. No vehicle will project over any lot line or building line. No other use will be conducted from the parking lot. No structure exists on the parking lot. No vehicle entrance or exit is located within twenty-five feet of a street intersection. There will be no lighting.

10. No commercial advertising signs will be posted on the lot.

11. The use of the parking lot will not be objectionable to adjoining owners because of noise, traffic or other objectionable conditions. Once the office building renovation is complete, there will be a demand for parking spaces to serve the building. The proposed lot will satisfy this need in such a manner so as to alleviate congested parking conditions on the street while being out of view from all facing streets. Neighborhood residents will have expanded opportunities to park on the street.

12. The proposed parking lot will be located in the interior of the subject square. It will not be visible from any facing streets. A PEPCO substation is located adjacent to the proposed lot, but it has no overlooking windows.

13. Current data from the D.C. Department of Public Works Traffic Volume Map indicates an extremely heavy flow of traffic on the streets in the area on an average weekday. The traffic generated by twenty-two additional automobiles using the subject site would be insignificant.

14. The proposed lot is reasonably necessary and convenient to the office building it will serve. The location of the building at 515 22nd Street precludes the provision of additional parking on that lot. The proposed parking physically abuts 515 22nd Street.

15. The applicant will provide landscaping and screening and has also retained certain shrubbery in response to suggestions made by adjacent property owners.

16. The applicant requested alternative relief pursuant to Sub-section 7205.3 because of the proposed amendments to the parking regulations in Zoning Commission Case No. 82-5 which would eliminate Paragraph 3104.44. The Board found that the alternative relief is not necessary. The Board determined this application based solely upon the requirements and criteria of Paragraph 3104.44 which were in effect on the date of this decision.

17. The Foggy Bottom Association, by letter dated October 22, 1984, supported the application. It was the Association's opinion that approval of the subject application would avoid potential negative traffic impacts on the area surrounding the office building at 515 22nd Street, N.W. The Board concurs.

18. Advisory Neighborhood Commission 2A, by letter of October 16, 1984, recommended approval of the application. The ANC reported that it supported the application because of the commitments made to preserve the existing structures and retain residential uses. The ANC considered the issue of parking and was of the opinion that there would be no adverse impact of the proposed use, and that its use by the community during appropriate hours was a benefit to community residents. The Board concurs with the ANC recommendation except as to the Board's concerns, as described below, about the availability of the spaces to the community.

19. The resident manager of the apartment house located at the front of the subject Lot 99 testified on behalf of the tenants that the tenants supported the application having received assurances from the owner and the ANC that the existing structures on F Street would remain. The witness testified also that a parking problem already exists in the neighborhood and if the subject parking lot were available at night it would prove to be a great help to the community.

20. An owner of property at 2148 F Street opposed the application if the parking lot remained open at night. It was the owner's opinion that she would be disturbed by the noises coming from the parking lot at night. She was of the opinion that the lot was so accessible it would be used by the students at George Washington University and people visiting the neighborhood. She feared it would attract loiterers and unwanted transients looking for a place to park. She was aware of the existing parking problem in the neighborhood and that the available forty-one parking spaces would soon be known to all in the neighborhood.

21. The Board shares the concerns expressed in Finding No. 20. The Board in granting the relief, will impose a limitation of two years so that it can monitor the use of the lot after office hours by the community.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception under Paragraph 3104.44 the granting of which requires showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3104.44 and that the relief requested under Sub-section 8207.2 can be granted as in

harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof and that the relief, as conditioned below, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and without adverse affect on neighboring property. The Board concludes that it has accorded to the ANC the great weight to which it is entitled.

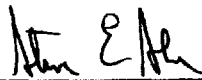
Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of two years from the date of this order.
2. The lot may be left open in the evenings for use for parking by the neighbors.
3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
6. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
7. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Maybelle T. Bennett, Charles R. Norris, William F. McIntosh and Douglas J. Patton to grant; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 14 JAN 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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